



## ABSTRACT

Public Services – Roads and Buildings Department – Sri K. Siva Reddy, in-charge Engineer-in-Chief (R&B) – Request for correction of date of birth as 18.02.1956 instead of 02.05.1954 as per the school record – Accepted – Orders – Issued.

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**TRANSPORT, ROADS AND BUILDINGS (SER.I) DEPARTMENT**

G.O.Ms.No.350

Dated:08.12.2008.

Read the following:

1. From Sri K. Siva Reddy, Letter No. Nil, Dated: 02.03.83 addressed to the CE(R&B), Hyderabad.
2. Memo.No.3984/A2/83 of the SE(R&B) Cuddapah Circle, Cuddapah, Dated: 20.04.1983.
3. Birth Extract issued by the MRO, Banaganapalli, Dated: 15.05.1986.
4. Certified copy of the Judgment and Decree in O.S.No.285 of 1987 on the file of the court of the Dist. Munsif, Banaganapalle, Kurnool District, Dated: 23.12.1988.
5. G.O.Rt.No.3, Education (SE) Department, Dated: 02.01.1991.
6. SSC Certificate issued by the Board of Secondary Education issued in favour of Sri K. Siva Reddy, with date of birth correction endorsement by the Board of Secondary Education.
7. Representation of Sri K. Siva Reddy, I/c. ENC(R&B) (Admn.), Dated: 16.03.08.

## **O R D E R:**

Sri K. Siva Reddy, has represented that he was actually born on 18-2-1956 at Mittipalli (v), Baganapalli Tq. in Kurnool District. But his father, being an illiterate, got it entered in the School records wrongly as 2-5-1954. He came to know about the actual date of birth during 1983, by which time he has already entered into Government service. He has been selected through the APPSC and appointed as Dy.E.E. in R&B Department in Zone-IV and joined as such on 19-8-1982 FN. Having come to know about his actual date of birth, he made an application in the reference 1<sup>st</sup> read above, requesting for correction of his date of birth. The Superintending Engineer (R&B), Cuddapah, in his Memo. 2<sup>nd</sup> read above, has in turn informed that the date of birth in S.R. will be changed after getting date of birth changed in the SSC register by the competent authority. He approached the concerned authorities for getting the date of birth corrected and in the process he filed a suit, O.S.No.285 of 1987, on the file of the Court of the District Munsif, Banaganapalle, and obtained a decree on 23-12-1988. Thereafter he approached the Board of School Education for correction of the date of birth in his School Certificate, that the matter has been examined in Education Department and they have issued orders in G.O.Rt.No.3, Education (SE.1) Department dated 2-1-1991 for effecting necessary correction in the SSC register. Consequently, his date of birth has been corrected in the SSC register by the Director of School Education – vide D.Dis.No.4649143/87, dated 22-1-1991.

2. He has further represented that in the mean time, the Government has introduced AP Public Employment (Recording and Alteration of Date of Birth) Rules, 1984 – vide G.O.Ms.No.165, Finance and Planning Department dated 21-4-1984 and according to these rules, there is an embargo on applications for correction of date of birth. But, he stated that he had already laid his claim well before the promulgation of the said rules and his application was not finally disposed of then and inasmuch as it required him to get the date of birth corrected first in the SSC register and then approach the authorities for taking necessary further action. He stated that the present application cannot be treated as a fresh application and it has to be treated as a continuation to his earlier application 1<sup>st</sup> read above. Because of the transfers and postings including promotions at that time, the original papers such as Judgment of the Civil Court and other relevant material were mixed up with certain other papers and he could not trace the same till recently and therefore he could not make an immediate attempt and requested for condoning the delay and to uphold his genuine claim

and do justice. He has also quoted certain precedent cases where Government have altered the date of birth of the individuals in other Departments recently.

3. Rule (4) of AP Public Employment (Recording and Alteration of Date of Birth) Rules, 1984 laid down a salutary principle to prohibit reopening of the question of correction of date of birth which may have become final prior to the enforcement of 1984 rules. The Hon'ble Supreme Court of India held that Rule 5 thereof lays down that where application of a Government servant was pending on the date of commencement of those rules, the same will be dealt with on the basis of date of birth recorded in the School and College records.

4. It is observed that Sri K. Siva Reddy has already represented for correction of his date of birth prior to the issue of AP Public Employment (Record and Alteration of Date of Birth) Rules, 1984, i.e., before 21-4-1984, and that the S.E.(R&B) has asked him to get his date of birth changed in his School Records first, and accordingly, he obtained a declaration from the District Munsif Court, Banganapalle and Government in Education Department also issued orders in the G.O. 5<sup>th</sup> read above based on which his correct date of birth has been corrected in SSC Certificate. Since his application is pending as on the date of the commencement of the AP Public Employment (Record and Alteration of Date of Birth) Rules, 1984, the same has to be dealt with on the basis of the recorded age in the School as per Rule 5 of the said Rules.

5. After careful examination observe that the Memo. 2<sup>nd</sup> read above issued by the Superintending Engineer (R&B) tantamount to formal acceptance of the request of the individual that his date of birth in the SR can be changed after changing of the same in SSC Register by the competent authority and that in fact his date of birth has been changed in the SSC certificate based on the orders issued in the G.O. 5<sup>th</sup> read above and in these circumstances Government have decided to accept the request of Sri K. Siva Reddy, I/c.ENC(R&B), for alteration of his date of birth in the SR from 2-5-1954 to 18-2-1956 duly relaxing Sub-rule (5) of rule 2 of AP Public Employment (Recording and Alteration of Date of Birth) Rules, 1984.

6. Accordingly Government hereby relax Sub-rule (5) of rule 2 of AP Public Employment (Recording and Alteration of Date of Birth) Rules, 1984 in favour of Sri K. Siva Reddy, I/c.ENC(R&B) NH Admn. and order for the correction of his date of birth in his Service Register from 2-5-1954 to 18-2-1956.

7. The ENC(R&B) Admn. shall take necessary action in carrying out the corrections in the S.R. of Sri K. Siva Reddy, I/c.ENC(R&B) as ordered above.

8. This order issues with the concurrence of Finance Department – vide their U.O. No.29119/463/FR.I/08, Dated 22-10-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. T. CHATTERJEE.  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri K. Siva Reddy, I/c.ENC(R&B) NH & Admn., Hyderabad –  
through the ENC(R&B) NH & Admn., Hyderabad. (W.Es. – SR & SSC certificates in original)  
The Engineer-in-Chief (R&B), Hyderabad.  
The Accountant General, A.P., Hyderabad.  
SC/SF

// FORWARDED :: BY ORDER //

SECTION OFFICER